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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/762,123	01/21/2004	Kamran L. Rafieyan	69304.010600	3890
32361 7590 08/27/2008 GREENBERG TRAUIG, LLP MET LIFE BUILDING 200 PARK AVENUE NEW YORK, NY 10166				
EXAMINER POLLOCK, GREGORY A				
ART UNIT 3693		PAPER NUMBER		
NOTIFICATION DATE 08/27/2008		DELIVERY MODE ELECTRONIC		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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# Office Action Summary

**Application No.**

10/762,123

**Applicant(s)**

RAFIEYAN ET AL.

**Examiner**

GREG POLLOCK

**Art Unit**

3693

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 21 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-60 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☒ Claim(s) 1-60 are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-946)
- 3) ☐ Information Disclosure Statement(s) (PTO/SE/US)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

1. *This action is responsive to the claims filed 01/21/2004.*

***Election/Restrictions - Distinct Species***

2. *This application contains claims directed to the following patentable distinct processes (each corresponding to respective species) for which restriction is required:*
- I. Claims 1-12, 29-40, 48, 52, 55, and 59 are drawn to a method of a  
method for routing orders for financial instruments among users  
comprising (a) transmitting an intention to trade message from a first  
of a plurality of users to at least two other ones of the plurality of  
users, the intention to trade message corresponding to a first order  
on the first user for one of a plurality of financial instruments, the  
first order including a first symbol component identifying the one of  
the plurality of financial instruments, a first side component  
identifying the order as one of a buy order or a sell order, a first price  
per unit component, and a first unit quantity, the intention to trade  
message including information indicative of the first side, first  
symbol, first price per unit component, and first unit quantity; (b)  
receiving, at one of the at least two other users, a second order for  
the one of a plurality of financial instruments from the one of the at  
least two other users, wherein the second order includes a second

symbol component identifying the one of the plurality of financial instruments, a second side component identifying the order as one of a buy order or a sell order, a second price per unit component, and a second unit quantity, (c) if the second order is a reciprocal order of the first order, sending the second order, or a portion thereof, to a trade execution entity as an initiating order, and sending information indicative of the initiating order to the first user wherein at least a portion of the second unit quantity of the initiating order is an undisclosed quantity, the initiating order having a third price per unit component; and (d) at the first user, based upon said information indicative of the initiating order sent to the first user, sending a responsive order to the trade execution entity, the responsive order having the first side component, the first symbol component, a unit quantity, and the third price per unit component.

- II. Claims 45, 47, 49, 54, and 56, are drawn to a method of a method for routing orders for financial instruments among users comprising (a) transmitting an intention to trade message from a first of a plurality of users to at least two other ones of the plurality of users, the intention to trade message corresponding to a first order on the first user for one of a plurality of financial instruments, the first order including a first symbol component identifying the one of the plurality of financial instruments, a first side component identifying

the order as one of a buy order or a sell order, a first price per unit component, and a first unit quantity, the intention to trade message including information indicative of the first side, first symbol, first price per unit component, and first unit quantity; (b) receiving, at one of the at least two other users, a second order for the one of a plurality of financial instruments from the one of the at least two other users, wherein the second order includes a second symbol component identifying the one of the plurality of financial instruments, a second side component identifying the order as one of a buy order or a sell order, a second price per unit component, and a second unit quantity, (c) if the second order is a reciprocal order of the first order, sending the second order, or a portion thereof, to a trade execution entity as an initiating order, the initiating order having a third price per unit component; and (d) at the first user, sending a responsive order to the trade execution entity, the responsive order having the first side component, the first symbol component, a unit quantity, and the third price per unit component.

- III. *Claims 13, 46, 50, 53, and 57, are drawn to a method of a method for routing orders for financial instruments among users comprising (a) receiving an intention to trade message from a first one of one or more permissioned users of a first user, the intention to trade message corresponding to a second order on the first permissioned*

user for one of a plurality of financial instruments, the second order including a second symbol component identifying the one of the plurality of financial instruments, a second side component identifying the order as one of a buy order or a sell order, a second price per unit component, and a second unit quantity, the intention to trade message including information indicative of the second side, second symbol, second price per unit component, and second unit quantity; (b) receiving a first order for the one of a plurality of financial instruments from the first user, wherein the first order includes undisclosed liquidity, the first order including a first symbol component identifying the one of the plurality of financial instruments, a first side component identifying the order as one of a buy order or a sell order, a first price per unit component, and a first unit quantity; (c) if the second order is a reciprocal order of the first order, sending the first order, or a portion thereof, to a trade execution entity as an initiating order, and sending information indicative of the initiating order to the first permissioned user, wherein at least a portion of the second unit quantity of the initiating order is an undisclosed quantity, the initiating order having a third price per unit component; (d) if the second order is not a reciprocal order of the first order, sending an intention to trade message to each permissioned user, the intention to trade message including

information indicative of the first side, first symbol, first price per unit component, and first unit quantity.

- IV. Claims 24, 51, and 58, are drawn to a method of a method for routing orders for financial instruments among users comprising (a) receiving a first order for one of a plurality of financial instruments from a first user, wherein the first order includes undisclosed liquidity, the first order including a first symbol component identifying the one of the plurality of financial instruments, a first side component identifying the order as one of a buy order or a sell order, a first price per unit component, and a first unit quantity; (b) sending an intention to trade message to each of a plurality of users, the intention to trade message including information indicative of the first side, first symbol, first price per unit component, and first unit quantity; (c) receiving information regarding one or more orders containing undisclosed liquidity which have been sent to a trade execution entity by one or more of the plurality of users; and (d) based on said information, sending a responsive order to the trade execution entity to hit or take the undisclosed liquidity.
- V. Claim 41, is drawn to a method of a method for routing orders for financial instruments among users comprising (a) providing a plurality of users, wherein each user designates one or more other users as its permissioned users; (b) each user selectively generating

an intention to trade message, the intention to trade message corresponding to a first order of the user for one of a plurality of financial instruments and sending the intention to trade message to said each user's Permitted users, the first order including a first symbol component identifying the one of the plurality of financial instruments, a first side component identifying the order as one of a buy order or a sell order, a first price per unit component, and a first unit quantity, the intention to trade message including information indicative of the first side, first symbol, first price per unit component, and first unit quantity; (c) each user receiving intention to trade messages from its permitted users; and, selectively sending an initiating order to a trade execution entity, the initiating order corresponding to a reciprocal order for the one of the plurality of financial instruments, the initiating order including a second symbol component identifying the one of the plurality of financial instruments, a second side component identifying the order as one of a buy order or a sell order, a second price per unit component, and a second unit quantity, the second unit quantity including an undisclosed liquidity quantity; (d) sending information indicative of the initiating order to each of the plurality of users (e) each user, upon receiving the information from step (d), selectively sending a



**responsive order to the trade execution entity to hit or take at least a portion of the undisclosed liquidity quantity.**

*Applicant is required under 35 U.S.C. 121 to elect a single disclosed species (I, II, III, IV, or V) for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, no claim is generic.*

*There is an examination and search burden for these patentably distinct species due to their mutually exclusive characteristics. For example, a search for identifying a set of options for valuation (Species II) requires would be distinctly different than one for analyzing loans based on prevailing interest rates to gauge the benefit of refinancing a mortgage or a loan at lower rates (Species IV). The species require a different field of search (e.g., searching different classes/subclasses or electronic resources, or employing different search queries); and/or the prior art applicable to one species would not likely be applicable to another species; and/or the species are likely to raise different non-prior art issues under 35 U.S.C. 101 and/or 35 U.S.C. 112, first paragraph.*

***Applicant is advised that the reply to this requirement to be complete must include (i) an election of a species to be examined even though the requirement may be traversed (37 CFR 1.143) and (ii) identification of the claims encompassing the elected species, including any claims subsequently***

*added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.*

*The election of the species may be made with or without traverse. To preserve a right to petition, the election must be made with traverse. If the reply does not distinctly and specifically point out supposed errors in the election of species requirement, the election shall be treated as an election without traverse.*

*Traversal must be presented at the time of election in order to be considered timely. Failure to timely traverse the requirement will result in the loss of right to petition under 37 CFR 1.144. If claims are added after the election, applicant must indicate which of these claims are readable on the elected species.*

*Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the species unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other species.*

*No telephone interview was conducted due to complexity of the restriction requirement and since the examiner knows from past experience that an election is seldom made by the applicant over the telephone. (see MPEP 812.01 )*

### **Conclusion**

3. *Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory Pollock whose telephone number is 571 270-1465. The examiner can normally be reached on 7:30 AM - 4 PM, Mon-Fri Eastern Time.*

*If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jay Kramer can be reached on 571 272-6783. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.*

*Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.*

*GAP*

**/JAGDISH N PATEL/  
Primary Examiner, Art Unit 3693**

*8/18/2008*

*/Gregory Pollock/  
Examiner, Art Unit 3693*